30th October 1933]

sides their Lordships do this day agree humbly to report to your Majesty as their opinion that by consent this appeal ought to be dismissed and the decree of the High Court of Judicature at Madras, dated the 18th day of November 1910, except as to costs affirmed upon the following terms: (1) that the respondent will grant to the appellants the whole of the disputed site lying to the west of the river-bed including the site and buildings of the Santiavanthana mandapam and Kasilingaswami shrine (Nos. 4 and 5 on plan, Exhibit P) and also the Tirthavari mandapam and its verandahs (Nos. 6 and 7 on plan, Exhibit P) being respectively the parcels of land specified as A and C in the decree of the Court of the Subordinate Judge, (2) that the respondent will also grant to the appellants liberty to carry on all customary rights of worship at the falls pool and adjoining sites belonging to the respondent with such liberty of access as heretofore enjoyed, (3) that the respondent declares his intention to safeguard any rights or user and access of the public of and to the pool and other sites belonging to the respondent, and (4) that the parties do bear their own costs in both the Courts below and of this appeal."

His Majesty having taken the said report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed, obeyed and carried into execution.

Whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

APPENDIX II.

[Vide answer to question No. 120 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th October 1933, page 27 supra.]

AGREEMENT made this 20th day of November 1931 between the Secretary of State for India in Council (hereinafter called the Secretary of State) of the one part and (1) Shanthiraja alias Appu Kambli, president, (2) Dharmaraja Kottari, (3) Adiraja Balipa, (4) Jinnappa Hegade and (5) J. A. Rodrigues, members of a panchayat formed for the purposes hereinafter mentioned, being residents in the villages specified against their names in the Karkal taluk, North Mangalore division (hereinafter called the panchayat), of the other part.

WHEREAS the Government of Madras desire to enlist the co-operation of the villagers in the conservation of forest reserves which remain under departmental control and have agreed with the panchayat in consideration of its assistance against fire and other damage in Todar

Reserved Forest in the Mangalore range as specified in the schedule attached and delineated in the plan hereto annexed to give the Panchayat the following concessions:—

1. This agreement shall be in force from the 1st day of July 1932 till the 30th June 1933.

Provided nevertheless that it may be renewed for a further period of one year on the application therefor by the panchayat to the District Forest Officer, North Mangalore division, for the time being and his agreeing thereto.

2. The panchayat shall work under the orders of the District Forest Officer of the North Mangalore division for the time being.

3. The said District Forest Officer shall have the power to remove any panchayatdar whose conduct makes him in the said District Forest Officer's opinion unfit to remain in office. There is no appeal against the orders of the said District Forest Officer.

4. The panchayat will ensure that the concession of clearing undergrowth, i.e., growth of unreserved and unclassified species not above 6 feet in height to a distance of half a mile from the limits of private holding and removal of green manure leaf from unreserved and unclassified species and removal of dead fuel, i.e., parts of dead trees less than 3 inches in diameter and dry leaf and thorns in the reserve is used to the best advantage of the village community and to this end the panchayat shall—

(i) prevent wilful damage to the standing green growth in the reserve;

(ii) prevent fires and clear and fire trace the exterior lines of the reserve at its own cost by 31st January 1933;

(iii) prevent quarrying and removal of minor forest produce (except by Government contractors or agents acting under the orders of the District Forest Officer);

(iv) prevent the cutting of trees and plucking of green leaves from reserved and classified trees for manure, or for any other purposes;

(v) carry out all orders issued to them by the District Forest Officer or by the Range Officer; and

(vi) keep a list of the names of the co-opted panchayatdars whose names should be communicated by the panchayat to the said District Forest Officer.

5. The panchayat shall have the power—

(i) to regulate the collection and removal of dead wood, dry leaves and green manure leaf of unreserved and unclassified species and cutting and taking of thorns for domestic or agricultural purposes;

(ii) to exclude the cattle of any person who recklessly or mischievously sets fire or otherwise causes damage to the areas or who removes tree growth or who disobeys the orders issued

by the panchayat in exercise of the powers conferred upon it or who fails to assist the panchayat in carrying out any of the duties assigned to it;

(iii) to impound the cattle which graze without permits;

(iv) to report to the District Forest Officer any offences for which prosecution is desired and when it is of opinion that the offences may be compounded, to suggest the amount of composition that may be accepted; and

(v) to clear and fire-trace the exterior lines of the reserve at its own cost by 31st January 1933.

6. If the panchayat protects the reserve to the satisfaction of the Conservator of Sixth Circle for the time being of the circle, it shall be eligible after 30th June 1933 to the refund of half of the grazing revenue collected therein.

7. If the panchayat fails to protect the reserve to the satisfaction of the Conservator or to co-operate with the Forest department, the said District Forest Officer may, with the approval of the said Conservator, terminate the agreement and dissolve the panchayat at any time before the expiry of the term of this agreement and may withdraw the concessions granted and thereupon the said Conservator may direct the closure to grazing of all or any part of the reserve and may cancel all or any of the permits issued to the villagers.

8. Should a vacancy occur in the panchayat by reason of death or resignation of any of the persons specified above or from any other cause, the vacancy shall be filled by the panchayat subject to the approval of the District Forest Officer from among the co-opted panchayatdars, a list of whose names should be maintained by the panchayat.

9. The area under panchayat may be inspected by any officer of the Forest department, but no orders will be issued to the panchayat except by the District Forest Officer, or the Range Officer.

In witness whereof the District Forest Officer by order and direction of His Excellency the Governor of Fort St. George in Council acting for and on behalf of the Secretary of State and the undermentioned members of the panchayat have hereunto set their hands the day and year first above written.

Schedule referred to above.

Name of the block.	Name of the village.	Taluk.	District.	Extent.
				ACS.
Todar	Todar	Karkal ..	South Kanara.	401·30

1 (Signed) Shanthiraja alias Appu Kambli.
2 („) Dharmaraja Kottari.
3 („) Adiraja Balipa.
4 („) Jinnappa Hegade.
5 („) J. A. Rodrigues.

(Signed) M. V. Laurie,
District Forest Officer, North Mangalore.